

FILED

SEP 20 2011

RICHARD W. WIEKING  
CLERK, U.S. DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
OAKLAND

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
OAKLAND DIVISION

UNITED STATES OF AMERICA,	)	No. CR 11-00665 CW (DMR)
Plaintiff,	)	
v.	)	DETENTION ORDER
ESTEBAN QUINTERO DE LA CRUZ,	)	
Defendant.	)	

I. DETENTION ORDER

Defendant Esteban Quintero De La Cruz is charged in an indictment with illegal reentry into the United States following deportation in violation of 8 U.S.C. § 1326(a) and (b). On September 16, 2011, the United States moved for Mr. Quintero's detention and asked for a detention hearing, as permitted by 18 U.S.C. § 3142(f). Defendant did not request a full bail study at this time. Pretrial Services did, however, prepare a criminal record report. At the September 20, 2011 hearing before this Court, Defendant waived the timing of his right to proffer information at a detention hearing, *see* 18 U.S.C. § 3142(f) (a defendant has the right at a section 3142(f) hearing, with the assistance of counsel, to testify, to present witnesses, to cross-

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1 examine adverse witnesses, and to present information by proffer or otherwise), and retained his  
2 right to raise any additional relevant information at a later hearing. The Court notes that  
3 Defendant is subject to an immigration detainer issued by Immigration and Customs  
4 Enforcement ("ICE").

5 After considering the limited information available to the Court, and the factors set forth  
6 in 18 U.S.C. § 3142(g), the Court detains Mr. Quintero as a serious risk of flight and finds that  
7 no condition or combination of conditions in 18 U.S.C. § 3142(c) will reasonably assure his  
8 appearance in this case. *See* 18 U.S.C. §§ 3142(e) and (f); *United States v. Motamedi*, 767 F.2d  
9 1403, 1406 (9th Cir. 1985).

## 10 II. CONCLUSION

11 The Court detains Mr. Quintero as a serious flight risk. Because Defendant waived his  
12 right to present information under 18 U.S.C. § 3142(f) without prejudice to raising relevant  
13 information at a later hearing, the Court orders that the hearing may be reopened at Defendant's  
14 request at any future time.

15 Mr. Quintero shall remain committed to the custody of the Attorney General for  
16 confinement in a corrections facility separate, to the extent practicable, from persons awaiting or  
17 serving sentences or being held in custody pending appeal. Defendant shall be afforded  
18 reasonable opportunity for private consultation with counsel. On order of a court of the United  
19 States or on request of an attorney for the Government, the person in charge of the corrections  
20 facility in which Defendant is confined shall deliver Defendant to a United States marshal for the  
21 purpose of an appearance in connection with a court proceeding.

22 IT IS SO ORDERED.

23  
24  
25 DATED: September 20, 2011



26 DONNA M. RYU  
27 United States Magistrate Judge  
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